

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

QUINTEZ TALLEY	:	CIVIL ACTION
	:	
v.	:	
	:	
PENNSYLVANIA DEPARTMENT OF	:	
CORRECTIONS, INMATE ACCOUNTING	:	
And CYNTHIA LINK	:	NO. 19-1589

ORDER

NOW, this 2nd day of July, 2019, upon consideration of plaintiff Quintez Talley's application to proceed *in forma pauperis* (Document No. 1), his prison account statement, and his *pro se* Complaint, it is **ORDERED** that:

1. Pursuant to 28 U.S.C. § 1915, plaintiff is **GRANTED LEAVE** to proceed *in forma pauperis*.
2. The complaint is deemed filed.
3. Pursuant to 28 U.S.C. § 1915(b), plaintiff **Quintez Talley, # KY-5091**, shall pay the filing fee of \$350 regardless of the outcome of this case.
4. The Complaint is **DISMISSED WITHOUT PREJUDICE**.
5. The Warden or other appropriate official at SCI-Fayette is directed to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Talley's prison account; or (b) the average monthly balance in Talley's prison account for the six-month period immediately preceding the filing of this case, and forward the initial payment assessed to be credited to **Civil Action No. 19-1589**, to the Clerk of Court at the following address:

Clerk of the United States District Court
for the Eastern District of Pennsylvania
Room 2609
601 Market Street
Philadelphia, Pennsylvania 19106.

6. In each succeeding month when the amount in Talley's prison account exceeds \$10.00, the Warden or other appropriate official shall calculate and collect a payment equaling twenty percent (20%) of the preceding month's income credited to Talley's prison account until the fee is paid and forward that amount, to be credited to **Civil Action No. 19-1589**, to the Clerk of Court at the above address.

7. Plaintiff is **GRANTED LEAVE** to file an amended complaint within thirty (30) days of the date of this Order, provided he can state a plausible, timely claim for relief against a proper defendant.¹

8. If plaintiff files an amended complaint, the Clerk shall not make service unless ordered to do so by the Court.

9. If plaintiff fails to file an amended complaint within thirty days, his case will be dismissed for failure to prosecute.

10. The Clerk of Court is directed to forward a copy of this Order to the Warden of SCI Fayette.

/s/ TIMOTHY J. SAVAGE J.

¹ Any individual or entity that is not listed in the caption of the amended complaint will not be treated as a defendant.